

Rabbani et al.  
Serial No.: 08/978,637  
Filed: November 25, 1997  
Page 3 [Response To December 6, 2002 Restriction Requirement  
-- January 7, 2003]

**REMARKS**

Claims 245-260 continue to be pending in the above-referenced application. No claims have been amended, added or canceled by this paper.

**Restriction Requirement**

It is asserted in the Office Action that this application contains claims directed to the following patentably distinct species of the claimed invention:

- (1) claim 249: DNA polymerase, RNA polymerase, reverse transcriptase, or a specific combination;
- (2) claim 253: DNA, RNA, a DNA-RNA hybrid, a DNA-RNA chimera, or a specific combination;
- (3) claim 254: sense DNA, antisense DNA, both sense and antisense DNA, sense RNA, antisense RNA, both sense and antisense RNA;
- (4) claim 257: intron, polyadenylation signal, capping element, a specific combination;
- (5) claim 259: antisense RNA, antisense DNA, sense RNA, sense DNA, ribozyme, protein binding nucleic acid sequence, a specific combination; and
- (6) claim 260: viral assembly or viral replication.

Applicants respectfully traverse the rejection. Although 35 U.S.C. §121 provides that restriction may be required to one of two or more independent and distinct inventions, 37 C.F.R. §1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met. Applicants note that in group (6) there are only two species recited and in groups (1), (2) and (4), there are only four species recited. It would certainly not be

Rabbani et al.

Serial No.: 08/978,637

Filed: November 25, 1997

Page 4 [Response To December 6, 2002 Restriction Requirement

-- January 7, 2003]

unduly burdensome to search such a small and limited number of species.

Furthermore, the species in each of the specified groups are related to each other.

Specifically, the claims in (1) are directed to polymerases; the claims in groups (2), (3), (5) and (6) are directed to the nucleic acid product; the claims in group (4) are directed to RNA processing elements. Applicants respectfully request, therefore, that the rejection be reconsidered and withdrawn.

In order to be completely responsive, however, Applicants have made elections in each of the groups. These are summarized in the table below. Applicants note that claims readable on the species elected are also listed in the table.

Group	Claims	Species Elected
(1)	245, 249	DNA polymerase
(2)	245, 253	RNA
(3)	245, 253, 254	Antisense RNA
(4)	245, 253, 255, 256, 257	Intron
(5)	245, 253, 255, 259	Antisense RNA
(6)	245, 253, 255, 259, 260	Viral assembly

#### Submission of Formal Patent Drawings

Applicants and their attorney are in the process of having formal patent drawings prepared. As soon as that process has been completed, new formal drawings will be submitted. It is expected that the submission will be made well before the present one month extension will have expired.

Rabbani et al.

Serial No.: 08/978,637

Filed: November 25, 1997

Page 5 [Response To December 6, 2002 Restriction Requirement  
-- January 7, 2003]

**Submission of Art-Related Documents**

An Information Disclosure Statement is also being prepared. It is expected that an IDS will be submitted before the expiration of the present one-month extension period.

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Rabbani et al.

Serial No.: 08/978,637

Filed: November 25, 1997

Page 6 [Response To December 6, 2002 Restriction Requirement

-- January 7, 2003]

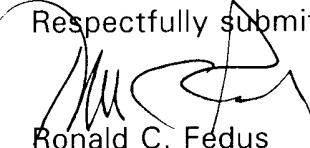
### **SUMMARY AND CONCLUSIONS**

Claims 245-260 are being presented for further examination. No claims have been amended, added or canceled by this paper.

This response is accompanied by a Request For Extension Of Time (1 Month) and authorization for the fee therefor. No other fee or fees are believed due in connection with this paper. In the event that any fee or fees are due for this paper, however, the Patent and Trademark Office is hereby authorized to charge any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney requests that he be contacted at the number provided below.

Respectfully submitted,



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